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Attorneys for Plaintiff Quanergy Systems, Inc.  
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13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 SAN JOSE DIVISION  
16

17 Quanergy Systems, Inc.,  
18 Plaintiff,  
19 v.  
20 Velodyne LiDAR, Inc.,  
21 Defendant.  
22  
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Case No. 5:16-cv-05251-EJD

**AMENDED COMPLAINT FOR  
DECLARATORY JUDGMENT**

**DEMAND FOR JURY TRIAL**

1 Plaintiff, Quanergy Systems, Inc. (“Quanergy”), by counsel, files the following Complaint  
 2 for declaratory relief and, in support thereof, alleges as follows:

### 3 **THE PARTIES**

4 **1.** Plaintiff Quanergy is a corporation organized under the laws of the State of Delaware,  
 5 and having a principal place of business at 482 Mercury Drive, Sunnyvale, California 94085.

6 **2.** On information and belief, Defendant Velodyne LiDAR, Inc. (“Velodyne”) is a  
 7 corporation organized under the laws of the State of Delaware and maintaining its principal place of  
 8 business at 345 Digital Drive, Morgan Hill, California 95037.

### 9 **JURISDICTION AND VENUE**

10 **3.** This is an action for declaratory relief under the Declaratory Judgment Act, 28 U.S.C.  
 11 §§ 2201 and 2202. Accordingly, subject matter jurisdiction is proper in this Court under 28 U.S.C.  
 12 §§ 1331 and 1338 because these claims arise under the patent laws of the United States (Title 35 of  
 13 the United States Code).

14 **4.** Upon information and belief, Defendant Velodyne is subject to this Court’s personal  
 15 jurisdiction because it does and has done substantial business in this judicial district, including  
 16 maintaining its headquarters in this judicial district. Defendant Velodyne is subject to the general  
 17 jurisdiction of this Court because it has regular and systematic contacts with this forum such that the  
 18 exercise of jurisdiction over it would not offend traditional notions of fair play and substantial  
 19 justice.

20 **5.** Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)-(c) because Velodyne  
 21 is subject to personal jurisdiction in this District.

### 22 **GENERAL ALLEGATIONS**

23 **6.** Plaintiff Quanergy is the leader in automotive and industrial grade 3D time-of-flight  
 24 LiDAR sensors. Quanergy develops smart sensing solutions for real-time 3D mapping and object  
 25 detection, tracking, and classification. Quanergy’s products can be used in various markets for 3D  
 26 LiDAR sensors and LiDAR-based sensing systems. Key markets include passenger vehicles,  
 27 corporate, commercial, municipal fleets, and digital mapping fleets. Other applicable markets for  
 28 Quanergy’s products include security, surveillance, smart spaces, logistics, warehouse and

1 distribution center automation, robotics, construction, agriculture and mining vehicles, surveying,  
2 archaeology, geology, aeronautics, unmanned aerial vehicles (UAVs), wind turbine operation  
3 optimization and solar farm installation optimization. In the automotive space, Quanergy's LiDAR  
4 sensors enable broad deployment of advanced driver assistance systems (ADAS) and autonomous  
5 driving systems. Quanergy's M8-1 LiDAR Sensor (the "M8-1 Sensor") is made for use with such  
6 systems.

7       **7.** Defendant Velodyne is one of Quanergy's competitors. Among its products,  
8 Velodyne sells the HDL-64E LiDAR sensor which it touts on its website to be "designed for  
9 obstacle detection and navigation of autonomous ground vehicles and marine vessels."  
10 It further asserts that "[i]ts durability, 360° field of view and very high data rate makes this sensor  
11 ideal for the most demanding perception applications as well as 3D mobile data collection and  
12 mapping applications," and that "[t]he HDL-64E's innovative laser array enables navigation and  
13 mapping systems to observe more of their environment than any other LiDAR sensor."

14       **8.** On August 4, 2016, Quanergy's CEO, Dr. Louay Eldada, received a letter dated  
15 August 3, 2016 from Velodyne's counsel, Mr. Douglas Lumish of Latham & Watkins, alleging that  
16 Quanergy infringed U.S. Patent No. 7,969,558 ("the '558 patent") entitled "High Definition LIDAR  
17 System" granted on June 28, 2011. Upon information and belief, Velodyne is the alleged owner of  
18 and/or has enforcement rights to the '558 patent. A true and accurate copy of the '558 patent is  
19 attached as Exhibit A.

20       **9.** Velodyne states in the August 3, 2016 letter that "[i]t has recently come to  
21 Velodyne's attention that Quanergy ... manufactures and sells 3D LiDAR sensors, including the  
22 M8-1 LiDAR Sensor" and that Velodyne had "review[ed] Quanergy's M8-1 LiDAR Sensor." The  
23 August 3, 2016 letter alleges that Quanergy's M8-1 LiDAR Sensor infringes one or more of the  
24 claims of the '558 patent" and demands that Quanergy "immediately cease and desist from all  
25 further activity that infringes the '558 Patent." Velodyne explicitly asserted that absent compliance  
26 with its demands, "Velodyne is prepared to take all steps necessary to protect its intellectual property  
27 rights."  
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1 provide power from an external source to the rotary motor, the photon transmitters, and the photon  
2 detectors, as well as signal [sic] in and out of the unit.” ’558 patent, col. 3, ll. 10-14.

3 **17.** The M8-1 Sensor does not include such structure, or any equivalents of such  
4 structure. Accordingly, for at least this reason, the M8-1 Sensor does not meet every limitation of  
5 claims 1 and 19 of the ’558 patent.

6 **18.** At least because Quanergy does not infringe either independent claim of the ’558  
7 patent, it does not infringe any dependent claim of the ’558 patent.

8 **19.** An actual and justiciable case or controversy exists between Quanergy and Velodyne  
9 concerning alleged infringement of the ’558 patent, which requires a declaration of rights by this  
10 Court.

11 **20.** Based on the acts, conduct, and statements of Velodyne, Quanergy has formed a  
12 reasonable apprehension and belief that Velodyne intends to and will sue Quanergy for alleged  
13 infringement of the ’558 patent.

14 **21.** Velodyne’s incorrect allegation that Quanergy infringes claims of the ’558 patent has  
15 caused, and will continue to cause, damage to Quanergy.

16 **22.** Quanergy is entitled to a judicial determination and declaration that it does not  
17 infringe and has not infringed, directly, indirectly, contributorily, by active inducement or otherwise,  
18 any valid and enforceable claim of the ’558 patent.

### 19 **PRAYER FOR RELIEF**

20 **WHEREFORE**, Quanergy requests that the Court enter a judgment in its favor and against  
21 Velodyne as follows:

- 22 A. Enter judgment for Quanergy and against Velodyne on Count I asserted in this
- 23 complaint;
- 24 B. Declare that Quanergy has not and does not infringe any valid and enforceable claim
- 25 of ’558 patent;
- 26 C. Enjoin Velodyne, and its officers, directors, agents, counsel, servants, and employees
- 27 and all persons in active concert or participation with any of them, from attempting to
- 28 enforce the ’558 patent against Quanergy or any customer of Quanergy by reason of

such customer's use of Quanergy's products;

D. Find this case to be an exceptional case pursuant to 35 U.S.C. § 285 and award Quanergy its attorneys' fees and expenses;

E. Grant Quanergy such other and further relief as the Court deems just and proper.

**DEMAND FOR JURY TRIAL**

Pursuant to Federal Rule of Civil Procedure 38, Plaintiff Quanergy Systems, Inc. demands a trial by jury in this action.

Dated: November 18, 2016

COOLEY LLP  
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/s/Mark F. Lambert  
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Quanergy Systems, Inc.

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